

OFFICIAL COPY

Fresno, California

April 9, 2002

The City Council met in regular session at the hour of 8:33 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Acting President
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Henry Perea	Council President

Dan Hobbs, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

City Manager Hobbs gave the invocation and President Perea led the Pledge of Allegiance to the Flag.

PROCLAMATION OF PUBLIC SAFETY TELECOMMUNICATIONS WEEK - COUNCILMEMBER QUINTERO

To be rescheduled.

PROCLAMATION OF SIGMA ALPHA EPSILON DAY

PROCLAMATION OF C.U.R.E. DAY - COUNCILMEMBER RONQUILLO

CERTIFICATES OF COMMENDATION TO COOPER MIDDLE SCHOOL STUDENTS - COUNCILMEMBER BOYAJIAN

PROCLAMATION OF FRESNO FRENZY DAY

PROCLAMATION OF NATIONAL WEEK OF THE YOUNG CHILD

The above proclamations and resolutions were read and presented.

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RECESS - 9:17 A.M. - 9:31 A.M.

The City Council convened in joint session with the Redevelopment Agency at 9:31 a.m.

APPROVE AGENCY MINUTES OF MARCH 26, 2002

On motion of President Perea, seconded by Councilmember Calhoun, duly carried, RESOLVED, the Agency minutes of March 26, 2002, approved as submitted.

APPROVE AGENCY AGENDA:

On motion of President Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the **AGENCY AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

ADOPT AGENCY CONSENT CALENDAR:

(“A”) JOINT RESOLUTION NO. 2002-104/1601 - CLEAN-UP RESOLUTION APPROVING TRANSFER BY CITY AND ACCEPTANCE BY AGENCY OF TAX INCREMENT FUNDED HOUSING FILES, PROPERTIES AND INTERESTS, AND AUTHORIZING THE CITY MANAGER AND EXECUTIVE DIRECTOR TO EXECUTE DOCUMENTS AND INSTRUMENTS

(“B”) ACCEPT PROGRESS REPORT ON THE ROEDING BUSINESS PARK REDEVELOPMENT PLAN AMENDMENT PROCESS

Redevelopment Administrator Murphey advised a revision was made to the report to include the Development Director approving minor variations from land requirements

(“C”) AGENCY RESOLUTION NO. 1602 - APPROVING THE RELOCATION PLAN FOR THE VENTURA/FREEWAY 41 STUDY AREA, SUBAREA 1 (CORNERSTONE/ARMENIAN TOWN) PROJECT IN THE CONVENTION CENTER REDEVELOPMENT PROJECT AREA

(“D”) APPROVE AMENDMENT TO THE RESTATED DDA FOR PROVIDENCE BAPTIST CHURCH, INC., MODIFYING AND DOWN-SIZING THE SCOPE OF DEVELOPMENT (PROJECT DESCRIPTION), AND EXTENDING THE TIMELINES FOR THE CHURCH’S PERFORMANCE AS CITED IN ATTACHMENT “B” OF THE STAFF REPORT, AMENDMENT TO THE RESTATED FORBEARANCE AND DISPOSITION AND DEVELOPMENT AGREEMENT - PROVIDENCE BAPTIST CHURCH

On motion of Councilmember Calhoun, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled **AGENCY CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

(“G”) CONSIDER MATTERS RELATING TO THE POTENTIAL FULTON STREET DISTRICT REDESIGN ALTERNATIVES, AND USES, TRAFFIC CIRCULATION, ETC. FOR THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT PROJECT AREA AND THE CENTRAL AREA COMMUNITY PLAN (INCLUDES FULTON, MERCED, MARIPOSA AND KERN MALLS AND RELATED PEDESTRIAN AND TRAFFIC AREAS

1. RECEIVE PRESENTATION AND REPORT BY ELS, ARCHITECTURAL CONSULTANTS (COUNCIL AND AGENCY ACTION)

2. COUNCIL RESOLUTION - INITIATING PROCEDURES TO AMEND THE URBAN RENEWAL PLAN FOR THE CBD PROJECT ONE, AND AMENDING THE CENTRAL AREA COMMUNITY PLAN, IF NECESSARY (COUNCIL ACTION)

3. DIRECT AND AUTHORIZE STAFF TO INITIATE ANY PROCEDURES AND NEGOTIATE ANY PROFESSIONAL SERVICE AGREEMENTS NECESSARY FOR (a) COMPLYING WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), (b) SATISFYING PUBLIC REVIEW REQUIREMENTS, (c) A TOPOGRAPHICAL SURVEY, (d) STUDYING AND PROPOSING ANY PLAN AMENDMENTS, AND (e) MEETING ANY OTHER REQUISITES NECESSARY TO EVALUATE AND ASSESS THE ALTERNATIVES (COUNCIL AND AGENCY ACTION)

Chair Duncan stated this was a very important issue to the city and was one that should not be rushed through; advised he had received comments from some Councilmembers that they wanted an opportunity to study the consultant’s report adding that was a reasonable request; and recommended, with Council’s approval, that the public hearing and action be tabled to May 21st to allow for adequate public review, discussion, and meetings with stakeholders, and relative to process this date have only a presentation by ELS and questions from Council (2 - 0). President Perea concurred having public testimony only once made sense but noted quite a few people were present who probably wanted to be heard and Council needed to be sensitive to that, with Councilmember Ronquillo concurring. A motion was made to table the issue to May 21st and brief discussion ensued on the time to set the public hearing and Council meeting and clarification on action being taken this date.

On motion of Councilmember Ronquillo, seconded by President Perea, duly carried, RESOLVED, a presentation by ELS, Architectural Consultants, to be held this date, the consultant’s report to be received, and further public testimony and action set for May 21, 2002, at 5:30 p.m., by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

Agency Director Fitzpatrick gave a brief history of the issue and how it got to this point, and Barry Elbasani, lead consultant with ELS, and Greg Stoffel, marketing research specialist who assisted with the study, reviewed the report and recommendations for the redesign of the Fulton Street District, including the opening up of the mall to vehicles, and economic marketing strategies at length using photographs to illustrate.

Councilmember Ronquillo stated hoped Council would make a decision for the next 100 years and not just the next 10 to 15 years and explained, spoke in support of opening the mall to traffic and stated the only way the mall could compete was with a design that attracted enterprise, and (3 - 0) concluded stating he would need to see proof that the mall would work with *no* changes. Councilmember Calhoun stated good material was presented by the consultant and he was excited for downtown, and commented briefly on the issue and stated he always felt changes

were needed for the mall but he would continue to listen. Mr. Elbasani responded to questions and comments of Councilmember Boyajian relative to why the mall was not working, if the mall designers would be dissatisfied to see the mall today, how the mall could be successful when the City does nothing about vacant buildings, enhancing the mall (i.e. promenades) being an important issue and if this could make the mall work, if retail would be coming back, and Blackstone and Shaw being major thoroughfares yet they also suffer vacant buildings. Councilmember Quintero commented briefly and stated the report did not address the important question of what it would take to make the mall work as it existed today and how to best serve existing tenants and questioned what the options/alternatives to opening up the mall were.

Speaking to the issue were: Clement Renzi, mall art sculptor, 4227 N. Wilson, opposed to opening up the mall; Sandra King, 1060 Fulton Mall, support for proceeding with an EIR; Nettie Bulaich, retired mall employee, 4024 E. Raco, opposed to opening; Gordie Webster, 1315 Van Ness, representing the Chamber of Commerce, support for EIR; Jessica Barker, 6019 N. College #L, support for opening up the mall; Greg Maroot, 1210 E. Ashlan, mall worker, Downtown Association, support for EIR; Scott Conway, 8680 N. Glenn #282, Jeffrey Scott Advertising, who spoke to the marketing perspective and in support of an EIR; Victoria Gonzales, 1391 E. Bullard, past president of the Downtown Association, support for EIR; Carol Roush, 1025 W. Mesa, Manager, T. W. Patterson Building, requesting the mall be given one year and Council address the vacant buildings; Elena Ochoa, 1742 W. Stuart, 1039 Fulton Mall tenant, support for opening **(4 - 0)**; Stebbins Dean, 2331 Fresno Street, CEO, Chamber of Commerce, support for EIR; Howard Wiley, support opening; and Mark Scozzari, representing the Diamond Sports Bar and Card Room, support for opening up the mall and need to address parking.

Continued speakers were: Bob Perez, Long's Drugs Manager, 1302 Fulton Mall, support for opening; Peter Ruggerello, support EIR; Diane Hanzlicek, 738 E. Lansing, opposed to opening; Dan Zack, 956 E. Echo, Urban Planner and Downtown Association Board of Directors, support for opening; Marsha Simpson, 2881 E. Huntington Blvd. #116, opposed to opening; Anne Speake, 1122 W. San Bruno, past president of the Chamber of Commerce and former chair of the Downtown Task Force, support EIR; Kendall Simsarian, Downtown Association Board of Directors, 1060 Fulton Mall, Ste. 811, support for opening; Linda Zachritz, 2014 Tulare Street, who stated an EIR was premature and requested the mall be given some time; Joyce Aiken, 3774 W. Buena Vista, support for EIR; Valta Pointer, 2881 E. Huntington Blvd. #139, opposed to opening; Brent Weiner, 1201 Fulton Mall, support for opening; George Flint, 254 W. San Bruno, opposed to opening for now/see how the stadium impacts it; G. McCline, 1516 W. Escalon, opposed to opening; Ray McKnight, 147 W. Scott, opposed to opening; Olga Ruiz, 7227 N. Recreation, opposed to opening; Bruce Morris, 2257 E. Fremont, opposed to opening **(5 - 0)**; Annidelle Flint, 254 W. San Bruno, opposed to opening; Leon Green, Nita Shops, 887 Fulton Mall, opposed to opening; Dallas Debatin, 109 N. Glenn, who spoke to CAC's vote opposing the opening of the mall and to the 1987 Plan; and Coke Hallowell, 19623 Rd. 211, who spoke to other successful malls and requested the process be slowed down for economic input.

Chair Duncan reiterated the matter was being continued to May 21st. Brief discussion ensued on including current plans and amendments with City Attorney Montoy clarifying the process that would be undertaken. Councilmember Boyajian requested a copy of the CBD plan.

(“E”) CONSIDER AND GIVE DIRECTION TO CITY AND AGENCY STAFF REGARDING A CITY HOUSING POLICY AND PRIORITIZE THE USE OF HOUSING FUNDS CONSISTENT WITH THIS POLICY IN NEIGHBORHOODS OF THE CITY - COUNCILMEMBER BOYAJIAN (COUNCIL AND AGENCY ACTION)

Councilmember Boyajian thanked all involved who worked together as a team, commented on the issue and on the need to maximize available housing resources and leverage funds which had not been done, stated the policy would benefit all neighborhoods, and again thanked all involved for their efforts. City Manager Hobbs stated he was impressed with the recommendations and applauded the collaboration and stated he would do all he could to make the policy work. Councilmember Ronquillo stated the 20% housing set aside funds needed to be spent first in redevelopment areas to enhance neighborhoods and he was opposed to using the funds in CDBG areas and explained. Chair Duncan stated the policy was a positive thing for the city and focusing on neighborhoods was critical and noted the policy was focused and results would be seen.

On motion of Chair Duncan, seconded by Councilmember Boyajian, duly carried, RESOLVED, the Housing Policy hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

(“F”) CONSIDER AND RECOMMEND THE COUNCIL AND AGENCY (1) APPROVE AMENDMENT NO. 3 TO THE REDEVELOPMENT AGENCY CONTRACT WITH THE CITY AND COUNTY HOUSING AUTHORITY TO AUGMENT THE ANNUAL BUDGET WITH UNANTICIPATED HOUSING SET-ASIDE FUNDS IN THE AMOUNT OF \$760,000 PER YEAR FOR COMMUNITY HOUSING PARTNERSHIP PROGRAM ACTIVITIES, (2) ADD THE BOARDED UP HOUSES PILOT PROGRAM, AND (3) EXTEND TARGET AREAS FOR HOUSING REHABILITATION TO LOW INCOME PROPERTY OWNERS LOCATED WITHIN THE CDBG ELIGIBLE AREAS WITHIN THE JURISDICTION OF THE REDEVELOPMENT AGENCY (AGENCY AND COUNCIL ACTION) (DISCUSSED AGAIN LATER IN THE MEETING)

Director Fitzpatrick reviewed the issue as contained in the staff report as submitted, upon the request of Chair Duncan clarified how the action being requested would relate to the housing policy just adopted, and responded to questions of Controller Quinto relative to unanticipated housing set aside funds and if they were budgeted. Acting President Castillo expressed his concern with how the additional funds were being allocated stating he had a real difficult time accepting \$25,000 out of \$760,000 for his district and stated he wanted the matter reassessed before taking any action with Mr. Fitzpatrick responding.

On motion of Acting President Castillo, seconded by President Perea, duly carried, RESOLVED, **Item “F”** continued to 2:00 p.m. to reassess the numbers, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

Brief discussion ensued on compliance with guidelines, target areas for boarded-up homes, and defined geographical areas with Mr. Fitzpatrick responding.

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The joint bodies recessed at 12:37 p.m. to later in the meeting and the City Council reconvened in regular session at 12:38 p.m. Councilmember Ronquillo left the meeting and returned after the lunch recess.

APPROVE CITY COUNCIL MINUTES OF MARCH 26, 2002

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the Council minutes of March 26, 2002, approved as submitted.

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APPROVE AGENDA:

DIRECT STAFF TO SCHEDULE ON THE APRIL 23RD AGENDA: "THIRD QUARTER STATUS REPORT BY THE CONVENTION AND VISITORS BUREAU" - COUNCILMEMBER DUNCAN

Set for April 23rd at 10:30 a.m.

(9:25 A.M.) APPEARANCE BY KARIN ANDERSON-LLOYD, CENTRAL VALLEY MAYORS' COMMITTEE FOR THE PARTNERSHIP AND ADVOCACY OF PEOPLE WITH DISABILITIES, TO ENCOURAGE COUNCIL TO PARTICIPATE IN THEIR EFFORTS TO PROMOTE AWARENESS AND ADVOCACY OF PERSONS WITH DISABILITIES

Laid over two weeks at the applicant's request.

REQUEST TO MEET IN CLOSED SESSION BEFORE 5:30 P.M. THIS DATE - COUNCILMEMBER CALHOUN

Request made and brief discussion ensued.

On motion of Acting President Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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ADOPT CONSENT CALENDAR:

(1-A) RESOLUTION NO. 2002-105 - APPROVING THE APPLICATION FOR FY 2002-2003 GRANT FUNDS FROM THE STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC) UNDER THE ABC GRANTS FOR LOCAL LAW ENFORCEMENT PROGRAM, AND AUTHORIZING THE EXECUTION OF DOCUMENTS

(1-B) RESOLUTION NO. 2002-106 - APPROVING THE SUBMISSION OF AN APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE AND BUREAU OF JUSTICE ASSISTANCE FOR THE BULLET PROOF VEST PARTNERSHIP PROGRAM, AND AUTHORIZING THE EXECUTION OF ANY RELATED DOCUMENTS

(1-C) APPROVE LEASE AGREEMENT WITH HANOIANS ENTERPRISE L.P. FOR USE OF PARKING SPACES AT 1435 S. CEDAR BY THE SOUTHEAST DISTRICT POLICE SUBSTATION

(1-D) APPROVING AN AMENDMENT TO THE ARTE AMERICAS HYDRAULIC ELEVATOR AGREEMENT TO EXTEND THE CONTRACT AND CHANGE THE DISBURSEMENT SCHEDULE, AND AUTHORIZE THE CITY MANAGER TO SIGN ON BEHALF OF THE CITY

(1-E) * RESOLUTION NO. 2002-107 - 21st AMENDMENT TO PAR 01-201 AMENDING THE FULL-TIME EQUIVALENCY OF ONE POSITION IN THE HOUSING, ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT/NEIGHBORHOOD SERVICES DIVISION

(1-F) * RESOLUTION NO. 2002-108 - 14TH AMENDMENT TO SALARY RES. 01-199 RETITLING THE CLASS OF SEWER MAINTENANCE SUPERVISOR I TO COLLECTION SYSTEM MAINTENANCE SUPERVISOR AND AMENDING THE SALARY RANGE

(1-G) RESOLUTION NO. 2002-109 - CERTIFYING THE RESULTS OF THE MARCH 5, 2002, CONSOLIDATED DIRECT PRIMARY ELECTION

(1-H) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO U.S. FILTER DISTRIBUTION OF FRESNO IN THE AMOUNT OF \$137,006.57 FOR BUTTERFLY, GATE AND CHECK VALVES

(1-I) APPROVE THE ACQUISITION OF, AND ACCEPT THE GRANT DEED FOR, APN 433-101-21, LOCATED AT 4140-4144 N. HUGHES FOR PUMP STATION 47A, FROM JOHN BLANCO FOR \$26,000; ACCEPT THE QUITCLAIM DEED FROM MR. BLANCO'S WIFE, ELIA H. BLANCO; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION ON BEHALF OF THE CITY

(1-J) APPROVE ACQUISITION OF SEWER EASEMENTS FROM ROGER RODRIGUEZ, JR., AGNES YUYAMA AND THE GEORGE YUYAMA TRUST, AND BETTY ANDERSON; APPROVE THE AGREEMENTS FOR THE ACQUISITION OF THE SEWER EASEMENTS FROM APN's 329-170-07, 329-170-06, 15 & 16, AND 329-161-13 & 14 AT THE APPRAISED VALUES; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THE PURCHASE OF THE EASEMENTS THROUGH ESCROW

(1-K) APPROVE A LEASE AGREEMENT WITH THE MARK AND TAMI GRAHAM FAMILY TRUST FOR PROPERTY LOCATED AT 5080 AND 5082 E. PINE FOR THE STORAGE OF POLICE SPECIALITY VEHICLES FOR A TERM OF THREE YEARS, AND AUTHORIZE THE CHIEF OF POLICE TO EXECUTE THE LEASE AGREEMENT ON BEHALF OF THE CITY

(1-L) APPROVE THE SUBSTITUTION OF DUPONT FLOORING SYSTEMS FOR THE LISTED SUBCONTRACTOR, MIKE PAYNE AND ASSOCIATES, FOR THE INSTALLATION OF TERRAZZO FLOORING AT THE TERMINAL/CONCOURSE EXPANSION PROJECT AT FYI - FAA AIP GRANT NOS. 3-01-0087-22, 24, 25, 28, 29, 31 AND 34

(1-M) APPROVE THE SUBSTITUTION OF ASC SIGNS FOR THE LISTED SUBCONTRACTOR, R.B. INDUSTRIES, INC., FOR THE MANUFACTURE AND INSTALLATION OF SIGNS AT THE TERMINAL/CONCOURSE EXPANSION PROJECT AT FYI - FAA AIP GRANT NOS. 3-06-0087-22, 24, 25, 28, 29, 31, 32 AND 34

(1-N) REJECT ALL BIDS FOR DESIGN, BUILD AND LEASE WITH OPTION TO PURCHASE NORTHEAST (NE) AREA POLICE SUBSTATION

1. DETERMINING THAT ROGER PETERSEN INVESTMENTS OF CLOVIS AND TAMKIN DEVELOPMENT CORPORATION OF LOS ANGELES ARE NON-RESPONSIVE TO THE SPECIFICATIONS;
2. REJECT THE BID RECEIVED FROM ALLUVIAL SUBSTATION PARTNERS OF FRESNO FOR THE PROJECT BECAUSE IT SUBSTANTIALLY EXCEEDED THE FUNDS AVAILABLE FOR THE PROJECT; AND
3. DIRECT STAFF TO REBID WITH THE PROJECT WITH THE SAME SPECIFICATIONS AND ASSIST BIDDERS IN RESOLVING PREVIOUS DEFICIENCIES

(1-O) CONSIDER TERMINATION OF LOCAL EMERGENCY IN AND AROUND FRESNO YOSEMITE INTERNATIONAL (FYI) AIRPORT BASED UPON THE THREAT OF ENEMY ATTACK OR SABOTAGE

1. RESOLUTION NO. 02-110 - TERMINATING THE LOCAL EMERGENCY IN AND AROUND THE FYI AIRPORT BASED UPON CONTINUING EXISTENCE OF FACTS AND CIRCUMSTANCES OF THE THREAT OF ENEMY ATTACK OR SABOTAGE, AS PREVIOUSLY PROCLAIMED BY COUNCIL ON OCTOBER 16, 2001, IN RESOLUTION NO. 01-337

(1-P) RESOLUTION NO. 2002-111 - SUPPORTING CALIFORNIA SENATE BILL (SB) 1489, PROPOSING TO ADD RECKLESS DRIVING CRITERIA TO THE CALIFORNIA VEHICLE CODE

On motion of Councilmember Quintero, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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LUNCH RECESS - 12:44 P.M. - 2:03 P.M.

The City Council reconvened in joint session with the Redevelopment Agency. Councilmembers Quintero and Ronquillo arrived shortly into the meeting.

(“F”) CONSIDER AND RECOMMEND THE COUNCIL AND AGENCY (1) APPROVE AMENDMENT NO. 3 TO THE REDEVELOPMENT AGENCY CONTRACT WITH THE CITY AND COUNTY HOUSING AUTHORITY TO AUGMENT THE ANNUAL BUDGET WITH UNANTICIPATED HOUSING SET-ASIDE FUNDS IN THE AMOUNT OF \$760,000 PER YEAR FOR COMMUNITY HOUSING PARTNERSHIP PROGRAM ACTIVITIES, (2) ADD THE BOARDED UP HOUSES PILOT PROGRAM, AND (3) EXTEND TARGET AREAS FOR HOUSING REHABILITATION TO LOW INCOME PROPERTY OWNERS LOCATED WITHIN THE CDBG ELIGIBLE AREAS WITHIN THE JURISDICTION OF THE REDEVELOPMENT AGENCY (AGENCY AND COUNCIL ACTION) (CONTINUED FROM THE MORNING SESSION)

Director Fitzpatrick distributed maps of the various target areas and advised a methodology had been worked out to allocate an additional \$50,000 for District 4's airport area and explained.

On motion of Acting President Castillo, seconded by President Perea, duly carried, RESOLVED, Amendment #3 to the Redevelopment Agency contract with the City and County Housing Authority to add \$760,000 to their annual budget and allocate the funds to the specified Housing Accounts, add a Boarded Up Housing Pilot Program, and extend target areas for housing rehabilitation to low income property owners located within the CDBG eligible areas hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Perea
noes	:	None
Absent	:	Quintero, Ronquillo

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The joint bodies adjourned their meeting at 2:05 p.m. Councilmember Quintero arrived and the City Council reconvened in regular session.

(9:30 A.M.) WORKSHOP ON COMMUNITY FACILITIES DISTRICTS

(6 - 0) To be rescheduled.

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(10:00 A.M.) HEARING ON COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 34 (FINAL TRACT MAP NOS. 4868, 4933 AND 5014)

1. RESOLUTION NO. 2002-112 - ANNEXING TERRITORY TO CFD NO. 2 AND AUTHORIZING THE LEVY OF A SPECIAL TAX

2. RESOLUTION NO. 2002-113 - CALLING A SPECIAL MAILED BALLOT ELECTION

3. RESOLUTION NO. 2002-114 - DECLARING ELECTION RESULTS

4. * BILL NO. B-18 - ORDINANCE NO. 2002-19 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2001-2002 AND FUTURE TAX YEARS WITHIN AND RELATING TO CFD NO. 2, ANNEXATION NO. 34

President Perea announced the time had arrived to consider the issue and opened the hearing.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Boyajian duly carried, RESOLVED, the above entitled Resolution Nos. 2002-112, 2002-113 and 2002-114 hereby adopted, and the above entitled Bill No. B-18 adopted as Ordinance No. 2002-19, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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(10:15 A.M.) HEARING ON THE FORMATION OF CITY OF FRESNO COMMUNITY FACILITIES DISTRICT (CFD) NO. 6

1. RESOLUTION NO. 2002-115 - AUTHORIZING THE LEVY OF A SPECIAL TAX THEREIN AND PRELIMINARILY ESTABLISHING AN APPROPRIATIONS LIMIT THEREON, AS AMENDED

2. RESOLUTION NO. 2002-116 - CALLING A SPECIAL MAILED-BALLOT REGISTERED VOTER ELECTION, AS AMENDED

President Perea announced the time had arrived to consider the issue and opened the hearing.

Assistant Public Works Director Holmes reviewed the issue as contained in the staff report as submitted and a motion and second was made to approve staff's recommendation. Councilmember Ronquillo arrived at 2:09 p.m. City Clerk Klisch advised amended resolutions had been submitted.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution Nos. 2002-115 and 2002-116 hereby adopted, as amended, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(4:00 P.M.) HEARING ON PLANNING COMMISSION'S ACTION REQUIRING AN ENVIRONMENTAL IMPACT REPORT (EIR) IN CONJUNCTION WITH CONDITIONAL USE PERMIT (CUP) NO. C-01-089 FOR PROPERTY LOCATED SOUTH OF BULLARD AVENUE BETWEEN GOLDEN STATE BOULEVARD AND FREEWAY 99 (COUNCIL DISTRICT 2), FOR DEVELOPMENT OF A WOOD CHIPPING AND GRINDING OPERATION FILED BY ALW ENTERPRISES, INC., ABBY TRANSPORTATION SYSTEM, INC. (5965 N. GOLDEN STATE BOULEVARD)

City Attorney Montoy advised the applicant was requesting the hearing be continued and the main opponent was in agreement, and by Council consensus the hearing was rescheduled for April 23, 2002, at 4:00 p.m.

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(10:30 A.M.) HEARING TO CONSIDER A RESOLUTION OF PUBLIC USE AND NECESSITY FOR THE ACQUISITION OF EASEMENTS FOR THE CONSTRUCTION OF THE NORTH AVENUE TRUNK SEWER PROJECT

1. * RESOLUTION NO. 2002-117 - DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF FEE TITLE TO ONE PARCEL, ACQUISITION OF FOURTEEN PERMANENT SEWER EASEMENTS, AND TWO TEMPORARY CONSTRUCTION EASEMENTS FOR REAL PROPERTIES LOCATED ON NORTH AVENUE BETWEEN FREEWAY 99 AND S. FRUIT AVENUE

President Perea announced the time had arrived to consider the issue and opened the hearing.

Assistant Public Works Director Holmes and Public Utilities Director McIntyre gave a brief overview of the project as contained in the staff report as submitted and expanded further on the offers made to property owners and on the findings to be made.

Mr. Holmes and Mr. McIntyre responded to questions of Councilmembers Ronquillo and Boyajian relative to property owner Marinev Rodriguez's concern with price, staff arranging a meeting with Mr. Rodriguez, if staff considered acquisition needed for a future four lane street and need for staff to take the whole picture into consideration, what the project entailed and why it was being constructed, if the project was to benefit an industrial park planned, if the project was being constructed for economic development, the finding for necessity, if there was an urgency to take action, and if a two week delay would impact the project. City Attorney Montoy clarified at issue this date was sewer acquisition and advised Council could not make a pre-determination on a future road project. Councilmember Ronquillo stated he did not want "double talk" relative to issues related to acquiring needed property at one time and explained (with Professional Engineer English responding), and requested staff work with his office relative to Mr. Rodriguez' issue.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Ronquillo, seconded by Councilmember Duncan duly carried, RESOLVED, the above entitled Resolution No. 2002-117 stating that the public interest and necessity require the fee title to one parcel and the permanent sewer easements and temporary construction easements, as provided by the California Code of Civil Procedure, hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(10:45 A.M.) CONTINUED HEARING TO CONSIDER ALIGNMENT AND WIDTHS OF PROPOSED PUBLIC STREETS FOR A 26-PARCEL INDUSTRIAL DEVELOPMENT PROPOSED ON THE EAST SIDE OF N. BRAWLEY BETWEEN W. SHAW AND W. ASHLAN AVENUE, TENTATIVE PARCEL MAP NO 2001-15 (PROPERTY LOCATED IN DISTRICTS 1 AND 2)

President Perea announced the time had arrived to consider the issue, opened the hearing, and Planning Manager Beach gave a brief overview of the issue.

Emory Wishon, representing Applicant Don Pickett/Pickett Ponderosa, reviewed the project and proposed new street alignment using a map to illustrate.

Attorney Thomas Boehm, representing area property owner Jim Cox, spoke in opposition to the proposed alignment for Gettysburg Avenue as outlined in his letter dated 2/1/02, included in the staff report, and requested Council not take action this date adding they wanted to reach a compromise.

Upon call, no one else wished to be heard and President Perea closed the public hearing.

Mr. Wishon and Mr. Boehm responded to questions of Councilmember Quintero relative to the repeal of the official plan line (OPL) in 1999 and if any opposition was expressed at that time, specifics relative to Mr. Cox' property, why Mr. Cox waited with his property as is for 18 years, and the project being proposed by Mr. Pickett and number of jobs that would be created. Councilmember Quintero made a motion to approve staff's recommendation which was seconded by Councilmember Ronquillo.

Discussion ensued with Chief Transportation Engineer Madewell, Mr. Beach and Planner Lewis responding to questions and comments of Councilmember Boyajian relative to an August 2002 letter stating a change of alignment would not happen unless all parties were in agreement, why Mr. Cox was part of the agreement, if circumstances changed since the August letter, if the proposed alignment would be detrimental to Mr. Cox, if the original OPL was different from Mr. Pickett's, if Mr Cox had any alternatives the past 17 years, if there was any chance for a compromise, if Mr. Cox' offer to pay one half the cost was a fair offer, if the August letter could be misconstrued, how the situation got to this point, if Mr. Cox was given any kind of expectation, and what Mr. Cox' issues were. Acting President Castillo briefly left the meeting at 2:51 p.m. Councilmember Boyajian stated due process may have failed Mr. Cox in this situation **(7 - 0)** and along with other Councilmembers again questioned if there was any chance for a compromise, whereupon the following action was taken.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the subject hearing on Tentative Parcel Map 2001-15 tabled two weeks to allow staff to further meet with the two developers to reach a compromise, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	Castillo

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(11:00 A.M.) * RESOLUTION NO. 2002-118 - AUTHORIZING AND APPROVING THE BORROWING OF FUNDS FOR FY 2002-2003, THE ISSUANCE AND SALE OF 2002-2003 TAX AND REVENUE ANTICIPATION NOTE (TRAN) THEREFOR, AND PARTICIPATION IN THE CALIFORNIA COMMUNITIES CASH FLOW FINANCING PROGRAM

Controller Quinto reviewed the issue as contained in the staff report as submitted and recommended approval. Acting President Castillo returned to the meeting at 2:57 p.m.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 2002-118 providing for the issuance and sale of TRANs in an amount not to exceed \$50,000,000 hereby adopted, and the City Manager, Controller and City Clerk authorized to execute the appropriate documents, including the Official Statement, Note Purchase Agreement, and other documents as necessary to issue the TRANs, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(2:00 P.M.) CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL - FRIEND-OF-THE-COURT-PARTICIPATION - CASE NAME:
HARVEST CHURCH V. CITY OF CONCORD, NO. A096604 (1ST DISTRICT)

(B) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:

1. CITY OF FRESNO V. GARFIELD PARK HIGHLANDS, ET AL
2. SPECIAL MEETING ADD-ON: CITY OF FRESNO V. COUNTY OF FRESNO, LAFCO AND CITY OF CLOVIS

(C) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION:

1. CLAIM OF RICHARD MIDGETT
2. PATRIOT HOMES FRESNO V. COF; PATRIOT HOMES FRESNO II V. COF

(D) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATION: INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS LOCAL 39 (LOCAL 39)

The City Council met in closed session in Room 2125 at the hour of 2:58 p.m. to consider the above matters and reconvened in regular open session at 4:02 pm.

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(2:30 P.M.) RESOLUTION NO. 2002-119 - AUTHORIZING THE CITY OF FRESNO TO IMPLEMENT REASONABLY AVAILABLE CONTROL MEASURES (RACM) AND SUBMIT THE MEASURES TO THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT FOR INCLUSION IN ITS OZONE PLAN, AS AMENDED, ADDING THE EVALUATION OF SPEED BUMP IMPACTS AS A RACM

Transit Manager Rudd gave an overview of the issue as contained in the staff report as submitted.

Gloria Torrez, spoke in opposition to the resolution and stated clean air diesel buses, free transportation for children (later clarifying she meant to say students) and the poor, and increased frequencies on key bus lines were needed.

Upon question of Councilmember Duncan Mr. Rudd advised staff was evaluating speed bumps' impacts on air quality. Councilmember Duncan made a motion to adopt the resolution with the added speed bump measure. Mr. Rudd and Chief Transportation Engineer Madewell responded to questions of Councilmember Boyajian relative to whether the policy was being changed, if the opening of the mall to vehicle traffic as discussed earlier would change the policy, if EIR on all development would be a good policy, if staff could make recommendations for EIRs, if there would be a timeframe for air quality mitigation, and if staff had any percentages on how the measures would mitigate air pollution and if Council would be receiving that information at some point.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the list of Reasonable Available Control Measures (RACMs) hereby approved, *as amended, adding the evaluation of speed bump impacts*; the above entitled Resolution No. 2002-119 committing the City of Fresno to implement those measures hereby adopted, *as amended*; and staff directed to forward the list to the COFCG for inclusion into the SJVAPCD'S Ozone Attainment Plan, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

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(3:00 P.M.) HEARING TO REVIEW THE PLANNING COMMISSION'S ACTION APPROVING CONDITIONAL USE PERMIT (CUP) NO. C-01-163, FILED BY CHAU BICH NGUYEN, PROPOSAL TO INCLUDE THE SALE OF ALCOHOLIC BEVERAGES (OFF-SALE) AS AN EXPANSION OF EXISTING RETAIL SALES, PROPERTY LOCATED AT 2330 N. FRESNO STREET AT CLINTON AVENUE

1. CONSIDER AND ADOPT CATEGORICAL EXEMPTION FOR ENVIRONMENTAL ASSESSMENT NO. C-01-163

2. RESOLUTION NO. 2002-120 - APPROVING CUP NO. C-01-163 (*OPTION 1*), AS AMENDED

3. RESOLUTION - DENYING CUP NO. C-01-163 (*OPTION 2*) (NOT ADOPTED)

President Perea announced the time had arrived to consider the issue and opened the hearing. Planning Manager Beach submitted a revised Option 1 resolution, gave a brief overview of the issue as contained in the staff report and expanded on the procedures and findings, and advised staff continued to recommend approval of the application under the current process and findings.

Planning Commissioner Lee Brand spoke on behalf of the Planning Commission and explained why the Planning Commission voted unanimously to approve the CUP.

Dirk Poeschel, 2310 Tulare Street, on behalf of the applicant, submitted written material to Council, reviewed Mr. Nguyen's proposal, and requested Council deny the appeal and approve the CUP.

Speaking in support of the Nguyen and the CUP were: Patrick Eastman, 3531 E. McKinley; Furley Terragon, 2920 E. Clinton #103; Kenny (last name unintelligible), 3073 E. Terrace, who also submitted a petition in support; and a gentleman whose name was unintelligible. Carl Kreft, 1656 E. Shadow Glenn Drive, property manager at the opposing property spoke in opposition to the CUP and to Mr. Nguyen's inadequate garbage container. A woman whose name was unintelligible residing at 3678 N. Thesta spoke in support of the CUP, and Marlene Newburn, 2230 Norris Drive West, spoke in opposition. Carl Self, 2705 E. Normal, and Lucille Fanchullo, area resident, spoke in support of the CUP; Thelma Newburn, 2230 Norris Drive West, spoke in opposition and submitted a petition; and Tua Lee, 2603 N. Hanover, and the owner of MCL Market, whose name was unintelligible, both spoke in support.

Upon call, no one else wished to be heard and President Perea closed the public hearing.

President Perea commented on the issue and his reasons for appealing the Planning Commission's decision stating this was a quality of life issue to him and not one of competition and elaborated (**8 - 0**), and emphasized the neighborhood was stressed, an over-concentration of alcohol-selling establishments in the area was not fair to a quality of life, urged Council to deny the CUP, and made a motion to adopt Option 2, which motion was seconded by Acting President Castillo and later acted upon. Upon question of President Perea, Police Chief Dyer stated had his department reviewed the application today and knowing all facts now known his department would have recommended denial based on the crime within the area and the number of alcohol-selling businesses within the subject census tract and elaborated.

conducted on other communities statewide or nationally, how Fresno compared to other communities, and if Fresno adhered to fairness. Acting President Castillo stressed the Cedar/Shields intersection in his district had 14 alcohol-selling establishments and urged Council to consider that fact and added Council members knew their districts and were in touch with their constituents.

Extensive discussion ensued with Mr. Poeschel, Chief Dyer, Mr. Beach, City Attorney Montoy and City Manager Hobbs clarifying issues and/or responding to questions and/or comments of Councilmembers Boyajian and Duncan relative to Mr. Nguyen and his property, how much renovation had taken place, number and proximity of other alcohol-selling establishments near Mr. Nguyen's business, when the police department first reviewed the application, if there was a correlation between the subject business and area crime, if blight and vacant buildings were reasons for crime, the ability to enforce/deal with problems with a CUP, if illegal activities at businesses caused crime to increase, number of alcohol CUP's that have been revoked, the unique restrictive conditions being imposed on Mr. Nguyen and if those conditions were being required of other establishments, if there was a process to go back and impose the same conditions on other establishments for fairness, and revoking all other alcohol licenses to reduce crime. Councilmember Duncan stated the irresponsible use of alcohol was the cause of problems and he hoped the City would look into other businesses following the same requirements as Mr. Nguyen, noted Mr. Nguyen had made a major financial investment and had earned the opportunity to compete in an equal manner, and stated he would not support the motion to deny. Councilmember Ronquillo commented on the cost of a CUP and the need to be specific with the amount of fines for violators and stated a CUP was senseless unless violators were held responsible and businesses closed down if necessary.

President Perea reiterated quality of life was his number one priority, commented briefly on the findings, and noting the Police Chief had indicated a reversal of their recommendation stated he hoped the policy would be changed.

A motion of President Perea, seconded by Acting President Castillo, to approve Option 2 to deny CUP No. C-01-163 failed, by the following vote:

Ayes	:	Castillo, Perea
Noes	:	Boyajian, Calhoun, Duncan, Quintero, Ronquillo
Absent	:	None

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the findings of Categorical Exemption issued on August 29, 2001, for Environmental Assessment No. C-01-163 hereby approved; and the above entitled Resolution No. 2002-120 (Option 1) approving Conditional Use Permit No. C-01-163 hereby adopted, as amended, subject to the conditions outlined in the staff report, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero, Ronquillo
Noes	:	Castillo, Perea
Absent	:	None

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(3:45 P.M.) APPEARANCE BY REPRESENTATIVE OF INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS LOCAL 39, TO ADDRESS COUNCIL REGARDING BARGAINING ISSUES - COUNCILMEMBER QUINTERO

Councilmember Quintero gave a brief overview of the issue, read a few comments into the record relative to the City and Local 39 being engaged in the meet and confer process, Local 39 wishing to address Council and present

their position on bad faith bargaining, and it being understood that Council would not be able to take action, and submitted into the record written material submitted to Council by Local 39. City Attorney Montoy noted Local 39 had and would be afforded an opportunity to be heard; confirmed the City and Local 39 were engaged in the meet and confer process, and recommended Council receive information and not have any discussion this date adding the matter could be discussed when Council meets again in closed session.

Perry Bonilla, Director of Public Employees, International Union of Operating Engineers, Stationary Local 39, representing Local 39, stated they wanted a fair contract, the process was broke, it did not work, and was burdensome on both sides (**9 - 0**); stated their bargaining team was confused and they believed the City was acting in bad faith and explained; and stated Council's direct intervention was needed to help move the process along.

Employees speaking to the issue requesting fairness and respect were: Clifford Tate, 4511 W. Harvard; Solomon Lee Johnson, 2478 S. Holly; Phillip Garcia; Larry Kellerhaus, IBEW, who stated they were in the exact same situation as Local 39; and Richard Martinez.

City Manager Hobbs stated the City valued the work of employees; concurred the parties were far apart but added the City was bargaining in good faith; advised the two outstanding issues were afford ability and work rules; and stated the process had not been exhausted and fact-finding was still available.

President Perea stated Council would review the information submitted by Local 39 and meet with the negotiators and city manager. Brief discussion ensued and/or questions were presented relative to Council's last pay raise, the process hereafter, when Council would next meet in closed session to discuss the matter and give further direction if necessary, delay with fact-finding, need to get a Fact Finder on board now, negotiations and communication being part of the problem, and Mr. Bonilla stating the worst thing was fact-finders and mediators in the process as it destroyed trust and stated the union could bargain and get things done.

By Council consensus Council to meet in closed session in one week on the matter.

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Councilmembers Duncan and Ronquillo left the meeting at 6:07 p.m.

(3A) * RESOLUTION NO. 2002-121 - 82ND AMENDMENT TO AAR 01-200 APPROPRIATING \$2,211,500 TO PROVIDE FUNDING FOR THE LANDFILL CLOSURE/REGIONAL PARK-SPORTS COMPLEX PROJECT
1. APPROVE CONTRACT CHANGE ORDER NO. 18 FOR THE PROJECT

Briefly reviewed by Public Utilities Director McIntyre and City Attorney Montoy.

On motion of President Perea, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2002-121 hereby adopted; and Contract Change Order No. 18 with IT Corporation authorizing adjustments to Bid Items A12a, A13a, and deleting Bid Item 12b hereby approved thereby increasing the contract cost by an additional \$224,121, by the following vote:

Noes : None
Absent : Duncan, Ronquillo

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Councilmember Ronquillo returned to the meeting at 6:09 p.m.

(5A) REVIEW AND DIRECTION ON COUNCIL PLAQUE FOR THE MULTI-PURPOSE DOWNTOWN STADIUM - PRESIDENT PEREA

President Perea noted two designs were sent out and Councilmember Duncan submitted an alternative with only the present Council's and ex-Councilmember Bredefeld's names included on the plaque and advised Council voted 5-2 to go with Councilmember Duncan's alternative. Councilmember Ronquillo spoke in support and stated the plaque needed to be prominently displayed. President Perea displayed the designs on the overhead and advised the plaque would be displayed at the Tulare Street entrance.

Councilmember Boyajian spoke in opposition to Councilmember Duncan's alternative stating even though Mayor Patterson and Councilmembers Mathys and Steitz opposed the stadium their names should not be omitted as they represented a lot of people and this was about history, and questioned what the intent was of the plaque and if this would set a precedent, with City Attorney Montoy advising this was a policy call. Councilmember Quintero later stated he concurred with Councilmember Boyajian noting the same thing happened with the new city hall and convention center and added maybe Council needed to reconsider. There was no further discussion.

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REQUEST FOR STATUS REPORT ON TREE TRIMMING ISSUE - COUNCILMEMBER CALHOUN

Request made.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 6:17 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

APPROVED on the 16th day of April, 2002.

Henry Perea, Council President

ATTEST: Yolanda Salazar, Assistant City Clerk